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Via ECF and hand delivery

April 10, 2018

Hon. Debra Freeman  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Courtroom 17A  
New York, NY 10007

Re: Carlos M. Salas et al. v. Peter Salas et al.,  
Case No.: 16-cv-2248

Dear Magistrate Judge Freeman:

We write in response to the Court's April 9, 2018 Order to seek partial reconsideration on the ground that the Court overlooked the importance of the identity of the auditor for Dolphin Direct Equity Partners, LP ("Dolphin Direct").<sup>1</sup> The Offering Memorandum for Dolphin Direct and the Partnership Agreement both represented that KPMG had been retained as auditors. This was material to any investor because KPMG is a "Big 4" accounting firm.

The Court found that "Plaintiffs have failed to show that the 2004 financial statement [for Dolphin Offshore Partners LP ("Dolphin Offshore"),] would reveal the identity of the auditor that Defendants retained for Dolphin Direct..." Respectfully there is no basis for that conclusion. As previously noted and uncontested, Peter Salas operated his funds in the same fashion, including the use of the same auditors. Thus, the auditor Dolphin Offshore in 2004 would have been the same auditor for Dolphin Direct.

Defendants' agreed to provide this simple information as to when KPMG and Baker Tilly BVI were retained by Dolphin Direct, and then suddenly refused.

Plaintiffs respectfully request that the Court reconsider its April 9, 2018 Order and direct Defendants to produce the 2004 Dolphin Offshore financial statement

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<sup>1</sup> To succeed on a motion for reconsideration or re-argument, "the moving party must demonstrate that the court overlooked . . . factual matters that were placed before the court in the underlying motion." *Bonnie & Co. v. Bankers Trust Co.*, 170 F.R.D. 111, 113 (S.D.N.Y. 1997) (citations omitted).

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Alternatively, Plaintiffs request permission to serve limited interrogatories on the Defendants seeking when KPMG was retained and terminated by Dolphin Direct and when Baker Tilly was retained.

We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Alex Litt  
Alex Litt

cc: Daniel Osborn, Esq. (via ECF)  
*Attorney for Defendants*